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From the *False Imputation* of ILLEGITIMACY formerly laid upon it by BUCHANAN, and Maliciously reviv'd in a late Pamphlet, intitul'd, *The Judgment of whole Kingdoms and Nations*, &c.

Their LEGAL DESCENT being Undeniably made out from Original CHARTERS, and other RECORDS.

LONDON:

Printed for E. CURL at the *Dial* and *Bible* over-against St. *Dunstan's* Church, and E. SANGER at the Post-Office in *Fleet-street*, 1713.

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The ROYAL FAMILY *of the* STUARTS *Vindicated from the falſe Imputation of* Illegitimacy, &c.

IT is a receiv'd Chriſtian Principle, that to expoſe the Faults or Defects of our Neighbour, which were ſecret before, tho' they be true, is an irreligious and criminal Practice, as rendring thoſe Perſons ſo expos'd either infamous or contemptible, whoſe Reputation had till then ſtood fair in the Eyes of the World. If the revealing of ſuch Truths be an Offence in the Sight of God, and all good Men, what Excuſe can there be for ſlandering and reproaching of others upon Surmiſes, flying Reports, and Uncertainties? This muſt ſurely be a great Aggravation of the Offence. But when Malice and Deſign are the Motives inducing to rob Men of their Honour and Eſteem, without any regard to Truth, or previous Examination of the Matter, this is allow'd one of the vileſt and moſt heinous Crimes that corrupt human Nature can be guilty of; far exceeding Robbery, or even Murder it ſelf, in as much as a good Name is more valuable than all worldly Goods, or this mortal Life. For tho' *Eccleſiaſticus* be not allow'd Canonical Scripture, it is printed in the Bibles, and allow'd to be read in Churches, and there, *chap.* 41. *v.* 12, & 13. we have theſe Words: *Have regard to thy Name; for that ſhall continue with thee above a thouſand Treaſures of Gold. A good Life hath but a few*

Days; *but a good Name endureth for ever.* And *Solomon* in the Proverbs, which are not *Apocryphal*, c. 22. v. 1. says, *A good Name is rather to be chosen than great Riches*, and *Eccles.* 7. 1. *A good Name is better than precious Ointment.* It were endless to quote profane Authorities, and no less superfluous, in a Case so universally allow'd, that even those whom their profligate Courses have render'd incapable of Reputation, will stand up for it when call'd in question.

There is another Consideration in this Particular, which is the Dignity of the Person dishonour'd, and the greater that is, the more unpardonable must be the Wrong offer'd; for those whom Providence has rais'd to a superior Rank, require a higher Degree of untainted Fame to support them in the Esteem of their Inferiors, and the good Opinion of their Equals. Thus it appears, that to slander and defame Kings and Princes, to whom the Government of Kingdoms and Nations is committed, must be, if not in the Letter of the Law, yet in Conscience and Reason, the worst of Treasons; for the readiest way to dethrone and destroy a Monarch, is to blacken and vilify him, that so by degrees the Reverence due to him may be turn'd into Contempt, the Love into Hatred, and the Obedience into Contradiction; and then is he easily pulled down from his Throne, the Crown drops from his Head, and when that is off, the Head is easily lop'd from his Shoulders. In order to this, what Method can be found more effectual in an Hereditary Monarchy than at once to baltardize the whole Royal Line, which is undermining the very Foundation on which the Throne is settled, and that done, there needs only knocking down the Props to let it sink, and setting Fire to the Train to blow it out of the Nation. No Royal Race has had so many of its Members cruelly murder'd, or been so outrageously revil'd, affronted and bespatter'd, as that of the *Stuarts*. Since its Exaltation to Sovereignty, which was in the Year 1371, and but 339 Years past, there have been no less than five crown'd Heads of them cruelly and unjustly destroy'd. King *James* the First murder'd at *Perth*, *An.* 1436, by the Contrivance of the Earl of *Athol*; King *James* the 3d, *An.* 1485. by the Rebels at *Bannokburn*; *Henry Stuart*, Lord *Darnley*, proclaim'd King of *Scotland*, and marry'd to Queen *Mary*,

soon

ſoon after murder'd at *Edinburgh*, *An.* 1567. Queen *Mary* of *Scots*, no more juſtly made away in *England*, and King *Charles* the Firſt, inhumanly butcher'd before his own Palace. To rip up the Calumnies heap'd upon this ſame Family ſince its firſt Acceſſion to the Throne, were endleſs, and is here from the Purpoſe, having only undertaken to confute the vile Imputation of Illegitimacy formerly laid upon it, and now lately reviv'd.

The firſt Broacher of it was *Hector Boetius*, who ſlightly names it, through Ignorance, upon ſome ſiniſter Report, there being no antient Record to prove any ſuch thing; and he writing at a Time when the Spirit of Rebellion began to prevail, and about 200 Years after the Days of King *Robert* here ſpoken of. Beſides that Writing at *Aberdeen*, remote from the Records, which might have better inform'd him, he had not the Opportunity of being undeceiv'd; and *Hollingſhed*, in his Catalogue of Writers of *Scotland*, tells us, *His Style in many Parts goeth beyond the Truth of Times, Places and Perſons, in the* Scotiſh *Hiſtory*. *Buchanan* laid hold of and improv'd this Miſtake of *Boetius* with the utmoſt Malice, as being an inveterate Enemy to Monarchy, and wretched Slanderer of the *Stuarts* Family; but being to ſpeak of him hereafter, I ſhall here only add the aforecited *Hollingſhed*'s Character of him, in the abovemention'd Catalogue of *Scotch* Writers, which runs thus: George Buchanan, *an* Iriſh Scot, *greatly learned, but many times maliciouſly affected, and that ſo vehemently, as that he would not forbear, in the higheſt Degree of Malice, to upbraid and backbite every Perſon and Nation, which had offended him, as may appear by his immodeſt Speeches, not beſeeming a Man of his Learning*, &c.

The laſt who has had the Preſumption to defame the Royal reigning Family with this falſe Charge of Baſtardy, is an Anonymous Writer in a ſcandalous Pamphlet or Libel, firſt call'd, *Vox Populi Vox Dei*, and in another Edition, *The Judgment of whole Kingdoms and Nations, concerning the Rights, Power and Prerogative of Kings, and the Rights, Privileges and Properties of the People*, &c. The ſaid Paper is ſo full of Falſhoods, Abſurdities, and Scandal, that any Man of Senſe would believe it unworthy the leaſt Regard; and yet the Publiſher in his laſt Edition boaſts of having ſold 2000 in

leſs than 7 Months, which is a ſingular Teſtimony of the Ignorance of the People, and of the great Induſtry us'd to ſtir up the Multitude to caſt off all Obedience to Superiors, and to diſreſpect and contemn the ruling Family; in which Particular he may well vye with the Infamous Sir *Edward Peyton*, who in the Year 1652, under the Uſurper *Oliver Cromwel*, ſpit all the Venom his dull Brain could vent againſt the ſame Family. To come to the Point, this preſent Defamer of Crown'd Heads delivers himſelf thus, in his aforemention'd Pamphlet, call'd, *The Judgment of whole Kingdoms and Nations*, &c. *p.* 22. § 53.

In North Britain *all the Race of the* Stuarts, *after* Robert *the Firſt, had no other Title to the Crown of* Scotland, *but by Act of Parliament againſt the Legitimate and Right Line: For the ſaid* Robert *having had three Sons and one Daughter by a Concubine, named* Elizabeth More, *whom he afterwards marry'd to one* Grifford, *himſelf at the ſame Time taking in Marriage* Euphemia, *the Daughter of the Earl of* Roſs, *by whom he had Iſſue,* Walter *and* David, *Earls of* Athol *and* Strathern; *and* Euphemia, *that afterwards marry'd to* James Douglas, *Son to the Earl of* Douglas. *The aforenam'd* Robert, *upon the Death of his Wife* Euphemia, *and of* Grifford, *the Husband of* Elizabeth More, *did marry his former Concubine* Elizabeth More; *but obtain'd by an Act of Parliament, that the Children begotten upon her in Concubinage ſhould inherit the Crown, and the Lawful and Legitimate Children by his Wife* Euphemia *ſhould be excluded.*

Theſe are the Words of that Pamphlet in the Place above quoted, for which, the Publiſher being, as I am inform'd, under Proſecution, he has omitted them in his laſt Edition, whereof the Reader is deſir'd to take Notice, leſt not finding them there he be perſwaded that Author is wrong'd. This Libel the ſaid Author in his Title, *Recommends to be kept in Families, that their Children's Children may know the Birth-right, Liberty, and Property belonging to an* Engliſhman. Whereas the meaning can be no other, than to have thoſe Children brought up in Averſion and Contempt of the Royal Family, kept in Ignorance of the Truth, and inſtructed in Forgery and Falſifying. But to proceed to the Proof of the Legitimacy of the *Stuarts*, in anſwer to the aforeſaid

said Caluminy, we shall here produce authentick Records, under the Hands of the two *Roberts*, Father and Son, Kings of *Scotland*, and the Persons concern'd in this Particular; and those Records so substantially verify'd, and so well back'd with Authorities, that there remains not the least Pretence for questioning the Truth and Antiquity of them; unless it be among those who are resolv'd to believe nothing but Scandal, or at least to propagate it, tho' never so groundless. Our Proofs are taken out of *F. Mabillon, De re Diplomatica*, which have never before appear'd in *English*; and being in Books of great Price and in the *Latin* Tongue, are not known to all Persons. The Original Charters are set down both in *Latin* and *English*, for the Help of those who do not understand the former, and that those who do may be satisfy'd they have a fair Translation. Somewhat is added out of Sir *George Mackenzy*'s *Jus Regium*, to corroborate the other. I shall therefore promise no more, but leave those Authors to speak for themselves.

The Third Part of the APPENDIX *to the* SUPPLEMENT, *to the* R. F. John Mabillon's *Six Books*, De re Diplomatica, *or of ancient Charters, Grants, Instruments,* &c.

Containing the Authentick Instruments for proving of the Legitimate Original of the Royal Family of the STUARTS *in* Great Britain; *from the* Paris *Edition.*

The first Publisher's Preface.

WE have been prevail'd upon to publish the remarkable and undoubtedly Authentick Instrument of *Robert Stuart*, King of *Scotland*, at the Instance of some most worthy Persons, who judg'd it a wrong to Literature, and to the Kingdom of *Scotland*, to suffer it to lie any longer bury'd in Obscurity. For by means of this Instrument a notable Controversy

about the Right and Title of the Royal Family of *Scotland* is decided; the Birth of *Robert* the 3d, King of *Scots*, is vindicated from an unjuſt Aſperſion; the Miſtake of *Hector Boetius*, and ſome other Writers of the *Scotiſh* Hiſtory is diſcover'd; and above all, the Slanders of *George Buchanan*, a moſt inveterate Enemy to the Royal Family and Kingly Government, who induſtriouſly, and as it were of ſet Purpoſe endeavour'd to fix a Note of Infamy on that Prince's Birth, are wip'd off, and all the Arguments drawn from his Teſtimony againſt the Royal Succeſſion of that Family are fully overthrown. His moſt virulent Hiſtory ſufficiently teſtifies how much he wrong'd Queen *Mary*, as does his moſt peſtilent Dialogue, *De Jure Regni apud Scotos*, how implacable an Enemy he was to Kings; both which Books were condemn'd in Parliament, under King *James* the 6th, in the Year 1584. However *Buchanan* impos'd upon very many, and more eſpecially Forreigners; who not being well enough acquainted with the Affairs of *Scotland*, could ſcarce ſuſpect him guilty of Falſhood, whom they admir'd for his Art and Elegancy.

But having been often convicted of Falſhood and Slander in the Hiſtory of the Tranſactions of his own Time, it being an eaſy matter to diſcover the Truth elſewhere, he deceiv'd the fewer in that Part, but drew many more into Errors as to remoter Antiquity, the Memory whereof was more obſcure, and particularly in Relation to the Birth of King *Robert* the 3d. This Prince was Son to *Robert* the 2d of the Name, King of *Scotland*, and firſt of the Family of the *Stuarts* that aſcended the Throne, from whom is deſcended the moſt auguſt Prince and beſt of Kings, *James* the 7th. *Buchanan*, who was a mighty Favourer of the Baſtard Earl of *Murray*, an ambitious Man, who openly aſpir'd to the Crown; as alſo to pleaſe the Factious Party, who extoll'd the Authority of the Parliament beyond all Meaſure, was reſolv'd to leave an Inſtance in his Hiſtory of Baſtards having attain'd to the Crown by their Authority. To this Purpoſe, he in his Hiſtory delivers as a Certainty, the Fable *Boetius* in a doubtful manner had brought forth, of *Robert* the 3d's being born out of lawful Wedlock, and choſen King to the Excluſion of the lawful Iſſue. He writes, that *Robert Stuart* ſucceeding

ding his Unkle *David*, in the Year 1371, was then marry'd to *Euphemia*, Daughter to the Earl of *Roſs*; and ſhe dying ſoon after, he ſubſtituted into her Place *Elizabeth More*, whom he had been deeply in Love with in his Youth, and had three Sons by her, the Eldeſt whereof was *John*, who changing his Name, was call'd *Robert* the 3d; and that he prevail'd in the Parliament held at *Scone*, to have the Children of *Euphemia* poſtpon'd, and Age preferr'd before Legality of Birth in the Succeſſion of the Crown. Thus if we may believe *Buchanan*, the Crown did not deſcend to *Robert* the 3d by Right of Succeſſion, but was conferr'd on him by the Authority of the Parliament. This was what the Rebels would be at, who had rais'd ſo many and ſo great Commotions in their Sham Parliament, on pretence of reforming Religion, as overthrew the Religion of their Anceſtors, and was like to involve the Royal Prerogative in the ſame Ruin. This was the way laid open for *Murray* to aſpire to the Crown; and *James*, Duke of *Monmouth* follow'd the ſame Example, when he undertook to invade the Kingdom, after the Death of King *Charles* the 2d. Had *Buchanan* had the leaſt regard to his Nation, to his Country-men, or to Truth, he ought to have made out a Matter of that Conſequence, which utterly overthrew the Right of Succeſſion, ever inviolably preſerv'd, by undeniable Inſtances and Teſtimonies of Authors. But he did not; nor indeed could he, as having no Witneſs to produce but *Hector Boetius*, whoſe Authority was altogether inſufficient, as being overthrown by ſeveral Manuſcripts and Charters, eſpecially conſidering he writ his Hiſtory almoſt 200 Years after the Marriage of *Robert* the 2d. But thoſe who are acquainted with *Buchanan*'s Behaviour and Diſpoſition, will eaſily perceive how much a Stranger he was to that Truth and Sincerity, which is the moſt commendable Quality of an Hiſtorian, as having rather made it his Buſineſs to write what was likely than what was true. However, tho' that Hiſtory was legally condemn'd, and ſeveral Times prov'd falſe by King *James* the 6th himſelf; yet ſcarce any Man for near 100 Years undertook to expoſe that Impoſture about the Birth of *Robert* the 3d; but it was always much applauded by ſuch as were fond of Innovation, by Rebels, and by King killers, as long as no Man diſpell'd that extraordinary Ignorance

in Matter of such Moment by the help of publick Acts and better Authors. The first that attempted it, with much Honour, was Sir *George Mackenzy*, the King's Advocate in *Scotland*, an excellent Civilian, extraordinary knowing in the Affairs of his Country, and most commendable for his singular Loyalty to his King. *Mackenzy* publish'd a Dissertation, under the Title of, *Jus Regium*, in his Native Tongue, *Anno* 1684; with another annex'd to it, call'd, *De legitimorum hæredum Successione*. In it he produces the Testimony of *Lewis Stuart*, a famous Civilian; he also commends several publick Acts, and Instruments; among all which, we are of Opinion, there is none to compare with that we now publish out of the Archives of our College. It contains the Foundation of a Chaplainship erected in the Church of *Glascow*, on account of the Dispensation, *for contracting of Matrimony, between the said* Robert Stuart, *and the late* Elizabeth More, *whilst living, notwithstanding the Impediment of Consanguinity and Affinity*. It is dated the 12th of *January*, 1364, and subscrib'd among the rest by *John Stuart*, Lord of *Kyle*, his eldest Son and Heir, who having chang'd his Name upon his Accession to the Crown, was call'd *Robert* the 3d. King *David*, the last of the Family of the *Bruces*, dy'd, according to *Buchanan*'s Computation, in the Year 1370, and was succeeded by *Robert Stuart*, his Nephew by his Sister, who, according to the same *Buchanan*, was then marry'd to *Euphemia*, Daughter to *Hugh*, Earl of *Ross*. But if *Elizabeth More* dy'd before the Year 1364, if *John* had the Title of Eldest Son in publick Acts, and in the Parliament; and lastly, if his Mother was so solemnly marry'd, that it was requisite to procure a Dispensation from the See Apostolick on Account of Consanguinity; all Mankind must be sensible that all *Buchanan*'s Fable will fall to the Ground, especially considering it could never yet be confirm'd by any sound Testimony, or publick Acts; but on the contrary it is disprov'd by the undoubted Testimonies of Authors and ancient Instruments; as shall manifestly appear by what follows. But it is requisite in a few Words to declare how this Instrument came to our College.

James of *Beatoun*, or *Bethune*, Archbishop of *Glascow*, Nephew by a Brother to *David*, Cardinal and Archbi-

shop

ſhop of St. *Andrews*, who was wickedly murder'd by the Reformiſts, perceiving that Churches and Monaſteries were every where plunder'd and ruin'd, under the falſe Colour of Reformation, thought it the wiſeſt Way to ſecure the Acts and Records of his Church. Being accordingly forc'd to fly in the Year 1560, he came into *France*, and brought them over with him. He dy'd at *Paris*, above 80 Years of Age, in 1603, having been Embaſſador from Queen *Mary* and her Son King *James* the 6th for the ſpace of 40 Years, with extraordinary Reputation. He, in love to his Country, by his laſt Will left all he had to this College of ours, founded by *David*, formerly Biſhop of *Murray*, in the Year 1325; for which Reaſon he is deſervedly look'd upon as the ſecond Founder of the ſaid College. Several publick Acts and Inſtruments belonging to the Church of *Glaſcow* are laid up and preſerv'd, partly in this College and partly in the *Charter-Houſe*, or Monaſtery of the *Carthuſians* in *Paris*, to whoſe venerable *P. P.* Priors, the ſupreme Direction of the College is committed. Among others of the greateſt Note is that Grant of *Robert* the 2d, above-mention'd.

We did not think fit to publiſh the ſaid Grant, till it had been examin'd by Men of the greateſt Learning, and moſt skilful in Eccleſiaſtical Antiquities. This was done laſt Year, on the 26th of *May*, ſeveral eminent Perſons, famous for their Knowledge in Antiquities, being aſſembled to that Purpoſe in the Royal Abbey of *S. Germain des Prez*, and in the Preſence of ſome Prime Men of the *Scotiſh* Nobility. All theſe having view'd the Inſtrument, and carefully examin'd it, concluded there was not the leaſt Ground to queſtion its Authority and Validity. They acknowledg'd the Antiquity of the Hand, ſaw the Seals entire, and perceiv'd the Letters, the Phraſe of that Age, and the Cuſtom generally then in uſe, that Diſpenſations ſhould not be granted without impoſing ſome Works of Piety, ſuch as the founding of Altars, or Chaplainſhips. Thus the Grant being view'd was unanimouſly approv'd of by all their Votes, and five authentick Inſtruments of it, all of the ſame Tenor were made, and ſign'd and ſeal'd by them all; the firſt for his moſt Serene Majeſty, the King of *Great Britain*; another for the Metropolitan See and Univerſity of *Glaſcow* in *Scotland*, this Inſtrument having

ving formerly belong'd to the Archives of that Metropolitan Church; the third for the Royal Abbey of *S. Germain des Prez*, in the Suburbs of the City of *Paris*, where the Meeting of the aforesaid renown'd Persons for examining of the Instrument was held; the fourth for the *Scots* College at *Doway*; and lastly, the fifth, together with the Original Authentick Grant, was laid up in the Archives of our College of *Paris*, to be there preserv'd. A Copy of this Grant shall follow these Observations, together with two other Instruments taken out of the Archives of our College; the one of *Robert* the 2d, after his Accession to the Crown; the other of *John*, his Eldest Son, about whom the Controversy is, and who, as was above-mention'd, having ascended the Throne, chang'd his Name and was call'd *Robert* the 3d.

Thus *France*, the most ancient Ally of *Scotland*, and several Times honour'd by having entertain'd that Royal Family, has happily preserv'd, not only the Hopes and the Hundred and Tenth Heir of the *Scottish* Crown, but also a Testimony of undoubted Authority, which clears the said Family from any Suspicion of being tainted in its Original.

The Chronology of Robert *the 2d, King of* Scotland, *of the Family of the* Stuarts.

A. D.	according to true History.	*A. D.*	According to *Buchanan.*
1315.	*Robert Stuart* is born of *Walter High Stuart* of *Scotland*, and *Margery*, Daughter to *Robert* the 1st, sirnam'd *Bruce*.	1315.	*Buchanan* has the same.
1336.	*Robert Stuart* is chosen Protector of the Kingdom.	1376.	*Buchanan* has the same.
About 1340.	*Robert* marries *Elizabeth More*, and has by her *John*, (afterwards King	About 1340.	*Robert* has *John*, *Robert* and other Children by *Elizabeth More*

Robert the 3d,) *Robert* Earl of *Menteth*, and other Children.

About 1360. *Elizabeth* his first Wife being dead, *Robert* had *Walter*, *David*, and other Sons by *Euphemia Roſs*.

1371. *David* the 2d, his Unkle dying, *Robert*, the 2d of the Name ſucceeds in the Throne.

1373, or 1374. Queen *Euphemia Roſs*, *Robert*'s ſecond Wife is crown'd.

1390. *Robert* the 2d dies, and is without any Oppoſition ſucceeded by *John*, his Son by *Elizabeth More*, who is call'd *Robert* the 3d.

More his Concubine.

About 1360. *Robert* marries *Euphemia Roſs*, his firſt Wife, and has by her *Walter*, *David*, and other Children. Gives his Concubine *Elizabeth More* in Marriage to one *Giffard*.

1371. *Buchanan* has the ſame.

1374. Queen *Euphemia Roſs*, *Robert*'s firſt Wife dying, *Robert* takes *Elizabeth More*, formerly his Concubine, for his 2d Wife, and holding a Parliament, cauſes his Children formerly begot on her out of Wedlock, to be declar'd Legitimate.

1390. *Buchanan* has the ſame.

Charta

Charta Roberti Seneschalli Scotiæ.

a. OMnibus hanc cartam visuris vel audituris Robertus Se-
neschallus Scotiæ, Comes de Stratherne, salutem in
b. Domino sempiternam. Cum dudum venerabili Patri Do-
mino Willelmo Dei gracia Episcopo Glasguensi fuerit per
c. litteras apostolicas specialiter delegatum, ut super matrimo-
nio contrahendo inter nos & quondam Elizabeth More,
dum ageret in humanis, nonobstante impedimento consangui-
nitatis & affinitatis contractui Matrimonii predicto impedi-
mentum prestante, auctoritate apostolica dispensaret, dum-
modo duas cappellas vel unam pro arbitrio ipsius Episcopi per-
petuo fundaremus, ac dictus venerabilis Pater, consideratis
in hac parte considerandis, nobiscum super impedimento pra-
dicto auctoritate qua supra dispensans nobis injunxerit, ut
una cappellania in Ecclesia Glasguensi ad unum certum altare
ad pensionem decem marcarum Sterling. Annuatim percipi-
end. de certis reditibus nostris fundaretur perp tuo, nosque
eandem cappellaniam sic fundare fideliter promisimus infra
certum tempus jam transactum, nobis tunc per dictum Epis-
copum limitatum; noverit universitas vestra nos ex causa
premissa dedisse, concessisse, & hac presenti carta nostra
confirmasse pro nobis & heredibus nostris perpetuo DEO,
Beatæ Mariæ Virgini, Beato Kentegerno & uno Cappel-
lano celebranti & celebraturo perpetuo in Ecclesia Glasgu-
ensi predicta decem marcas Sterling. ad sustentacionem
ejusdem Cappellani annuatim percipiend. de annuo redditu
quadraginta librarum Sterling. exeunte de terra del Cars
Abbatis infra vicecomitatum de Strivelyne, & nobis &
heredibus nostris debito per religiosos viros Abbatem & con-
ventum Monasterii Sanctæ Crucis de Edinburgh, tenend.
habend. & percipiend. annuatim in perpetuum eidem Cap-
pellano qui pro tempore fuerit per manus dictorum religioso-
rum ad terminos Pentecostes & sancti martini in hyeme per
porciones equales in liberam, puram, & perpetuam elymosi-
nam adeo libere, quiete, plenarie, & honorifice, sicut ali-
qua elymosina per totum regnum Scotiæ liberius conceditur,
percipitur, sive datur; & nichilominus totum jus nobis
competens per cartam infeodacionis revolendæ memoriæ Do-
mini Regis Roberti avi nostri, sive obligatorium dictorum
Abbatis & Conventus, seu quascunque alias evidencias ad
compellendos dictum Abbatem & Conventum ad solucionem
dicti annui redditus decem marcarum in Episcopum Glas-
guensem

guenſem *qui pro tempore fuerit*, & *Capitulum* Glaſguenſe *ſede vacante*, *per hanc cartam noſtram perpetuo tranſferimus*, *ipſoſque & eorum alterum*, *quantum ad hoc*, *noſtros & heredum noſtrorum aſſignatos*, *& aſſignatum facimus conſtituimus*, *& eciam ordinamus*. *Et ſi forte contingat*, *quod abſit*, *quod dicta decem marcæ annuæ per dictum cappellanum qui pro tempore fuerit*, *percipi non potuerint*, *ut eſt dictum*, *vel ex eo quod dicti Abbas & Conventus ſolvere noluerint*, *aut compelli non potuerint ad ſolucionem earundem*, *vel ex eo quod nos aut aliquis heredum noſtrorum*, *contra præſentem infeodacionem & conceſſionem noſtram*, *ſolucionem dictarum decem marcarum impediverimus aut impediverit*, *aut nos ſeu alium vel alios*, *clam vel palam*, *directe vel indirecte procuraverimus ſeu procuraverit impediri*, *obligamus nos & heredes noſtros per omnia bona noſtra mobilia & immobilia ad ſolvend. dictas decem marcas de aliis redditibus noſtris*, *ubi Epiſcopus* Glaſguenſis *qui pro tempore fuerit*, *vel capitulum ejuſdem ſede vacante*, *duxerit eligend. toto tempore quo ceſſatum fuerit a ſolucione dictarum decem marcarum percipiend. de annuo redditu ſupradicto*, *ſubjicientes nos & heredes noſtros juriſdictioni & cohercioni Epiſcopi* Glaſguenſis, *& ipſius Officialis qui pro tempore fuerit*, *ut ipſi per omnimodam cenſuram Eccleſiaſticam nos & heredes noſtros compellere valeant ad perficienda omnia & ſingula ſupradicta in caſu quo defecerimus vel defecerint*, *quod abſit*, *in aliquo præmiſſorum*. *Et ultra omnia prenotata nos & heredes noſtri predict. donacionem & conceſſionem noſtram de dictis decem marcis annuis percipiendis*, *ut ſupra de annuo redditu ſupradicto predictis Epiſcopo*, *Eccleſiæ* Glaſguenſi *& Cappellano qui pro tempore fuerint contra omnes homines & feminas warantizabimus*, *acquietabimus*, *& in perpetuam defendemus*. *In cujus rei teſtimonium ſigillum noſtrum una cum ſigillo* Johannis Seneſcalli *Domini de* Kyle *primogeniti & heredis noſtri præſentibus eſt appenſum*. *His teſtibus*, *Venerabili Patre Domino* Roberto *Abbate Monaſterii de* Kilwinnyne, *& Dominis* Johanne Seneſcallo *fratre noſtro*, Hugone *de* Egglyntonne *& Thoma de* Fauſide *Militibus*, Johanne Mercer *burgenſi de* Perth, Johanne *de* Roſe, *& Johanne de* Tayt *Armigeris noſtris*, *& aliis*. *Apud* Perth *duodecimo die menſis* Januarii, *Anno Domini milleſimo triceſimo ſexageſimo quarto*.

d.

The Place for the Seals.

This

This is a literal Copy as to Orthography, Punctuation, and all other Particularls, inſerted for the Satisfaction of ſuch as ſhall deſire to ſee it in the Original *Latin*; next follows as literal a Tranſlation for thoſe who may not underſtand the *Latin*.

The Grant of Robert Stuart *of* Scotland.

a. TO all that ſhall ſee or hear this Grant, *Robert Stuart* of *Scotland*, Earl of *Stratherne*, wiſhes ever-
b. laſting Health in the Lord. It having been long ſince by Apoſtolical Letters referr'd to the Venerable Father,
c. Lord *William* by the Grace of God Biſhop of *Glaſgow*, to diſpenſe by Apoſtolick Power in the Marriage to be contracted between us and the late *Elizabeth More*, whilſt ſhe was among the Living, notwithſtanding the Impediment of Conſanguinity and Affinity obſtructing the aforeſaid Contract of Matrimony, upon condition we ſhould found two Chapels, or one, at the Will of the ſaid Biſhop, for ever; and the ſaid Venerable Father having taken into Conſideration what was to be conſider'd in this Affair, and diſpenſing with us as to the aforeſaid Impediment by the abovemention'd Authority, having enjoin'd us to found one perpetual Chaplainſhip in the Church of *Glaſgow*, at one certain Altar, with a Penſion of ten Marks Sterling to be yearly receiv'd out of ſome of our Revenues; and we having faithfully promis'd ſo to found the ſaid Chaplainſhip within a certain Time now elaps'd, and then aſſign'd us by the ſaid Biſhop; be it known to you all, that we for the aforeſaid Reaſon have given, granted, and by theſe Preſents confirm'd for us and our Heirs for ever to GOD, the Bleſſed Virgin *Mary*, St. *Kentegern*, and one Chaplain now celebrating, and for ever to celebrate in the aforeſaid Church of *Glaſgow*, ten Marks Sterling, for the Maintenance of the ſaid Chaplain, to be yearly receiv'd out of the yearly Revenue of Forty Pounds Sterling, proceeding from the Lands of *Del Cars* Abbey in the Vice-county of *Stryvelyne*, and due to us from the Religious Men, the Abbot and Community of the Monaſtery of *Holy Rood* in *Edinburgh*, to be held, had, and receiv'd yearly for ever by the ſaid Chaplain for the Time being, from the Hands of the ſaid Religious Men at the Terms of *Whitſuntide*, and *S. Martin* in the Winter, by equal

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Portions, for a free, pure and perpetual Alms, as freely, quietly, fully and honourably, as any Alms throughout the whole Kingdom of *Scotland* is freely granted, receiv'd, or given; and nevertheleſs by this our Grant we do for ever transfer all the Right belonging to us by the Inſtrument of Enfeofment of our Lord and Grandfather King *Robert*, or the Bond of the ſaid Abbot and Community, or any other Evidences whatſoever to compel the ſaid Abbot and Community to the Payment of the ſaid yearly Revenue of ten Marks to the Biſhop of *Glaſgow* for the Time being, and the Chapter of *Glaſgow* upon the Vacancy of that See, and we do make, conſtitute and appoint them, or either of them, the Aſſigns, or Aſſign of us and our Heirs, as to this Particular. And if it ſhould happen, which God forbid, that the ſaid ten yearly Marks cannot be receiv'd by the ſaid Chaplain for the Time being, as has been ſaid, either by reaſon the ſaid Abbot, and Community ſhall refuſe to pay, or cannot be compell'd to the Payment thereof, or by reaſon that we or ſome one of our Heirs, contrary to this our preſent Enfeofment and Grant, ſhall obſtruct the Payment of the ſaid ten Marks, or by our ſelves, or any other or others, ſhall underhand or openly, directly or indirectly procure the obſtructing of the ſame; we do oblige our ſelves and our Heirs, with all our Eſtates Real and Perſonal to pay the ſaid ten Marks out of other of our Revenues, whereſoever the Biſhop of *Glaſgow* for the Time being, or the Chapter upon the Sees being vacant ſhall think fit to appoint, as long as the Payment of the ſaid ten Marks to be receiv'd out of the aforeſaid Revenue ſhall ceaſe, ſubjecting our ſelves and our Heirs to the Juriſdiction and Cumpulſion of the Biſhop of *Glaſgow* and his Official for the Time being, that they may by all ſorts of Eccleſiaſtical Cenſures compel us and our Heirs to perform all and every thing aboveſaid, in caſe we or they ſhould fail, which God forbid, in any of the Premiſſes. And beſides all that is aboveſaid, we and our Heirs will warrant, ſecure and defend the aforeſaid Gift, and Grant of ours, of the ſaid ten Marks to be receiv'd yearly as above out of the aforeſaid yearly Revenue, to the aforeſaid Biſhop, Church of *Glaſgow* and Chaplain for the Time being, againſt all Men and Women. In Teſtimony whereof our Seal, together with the

a. the Seal of *John Stuart* Lord of *Kyle*, our Eldeſt Son and Heir, is affix'd to theſe Preſents. Theſe being Witneſſes, the Venerable Father Lord *Robert*, Abbat of the Monaſtery of *Kylwynnyne*, and the Lords *John Stuart* our Brother, *Hugh de Eglyntonne*, and *Thomas de Eaglide*, Kts. *John Merver*, Burger of *Perth*, *John de Roſe* and *John de Tayt* our Eſquires, and others. Given at *Perth* on the Twelfth Day of *January*, in the Year of our Lord One Thouſand Three Hundred and Sixty Four.

Hiſtorical Obſervations on the Grant of Robert Stuart *of* Scotland.

a. ROBERT Stuart *of* Scotland.] He was the Son of *Walter Stuart* of *Scotland*. His Mother was *Margery*, eldeſt Daughter to *Robert Bruce*, the firſt of the Name; for which Reaſon *David*, the only Son to *Robert* the 1ſt dying without Iſſue, in the Year of our Lord 1370, this *Robert Stuart*, ſucceeded him in the Throne, in the Right of his Mother, being the ſecond of the Name, and firſt of the moſt ancient and noble Family of the *Stuarts*. The Dignity of the Great Seneſchal, or *Stuart*, as call'd in their Language, was of the chiefeſt Authority among the *Scots*, like that formerly of Mayors of the Palace among the *Franks*.

b. To William, *by the Grace of God Biſhop of* Glaſgow.] This was *William* the fourth of the Name, of the Houſe of *Rae*, Biſhop of *Glaſgow*, who took Poſſeſſion of that See in the Year of our Lord 1335, or 1336. There were ſeveral Original Papers or Inſtruments under his Name, among the Records of the Church of *Glaſgow*; and among the reſt two authentick Acquittances for the Contributions of his Dioceſs to the Pope, in the Years 1340, and 1341. He dy'd in the Year 1367.

c. *Concerning contracting of Matrimony.*] It poſitively appears by theſe Words, and the whole Tenor of this Grant, that *Robert Stuart* and *Elizabeth More* were lawfully joyn'd in Matrimony, by Virtue of the Pope's Diſpenſation, long before this Grant was made. There

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can be no Controversy concerning the Dispensation, since the Instrument of the Foundation of the Chaplainship here spoken of is an undoubted Testimony of it. Which Argument fully confutes the Audaciousness of *George Buchanan*, who durst presume to write, that this *Robert Stuart*, and *Elizabeth More*, were not joyn'd in Matrimony till the Year 1374, that is, ten Years after the Date of the Instrument, which testifies they had been long before lawfully marry'd. But a farther Demonstration of *Buchanan*'s Folly is, that, as appears by the following Words of this Grant, *Elizabeth* was dead in the Year 1364, and consequently could not be marry'd to *Robert Stuart* ten Years after. *Elizabeth* was Daughter to the renowned *Adam More*, Knight, and Chief of the Family of *More*, or *Moor*, ally'd by Affinity and Consanguinity to the most potent Race of the *Stuarts*, as most evidently appears by this Instrument.

Of John Stuart, *Lord of* Kyle, *our first begotten Son and Heir.*] Thus in the Year 1364, *John* was publickly call'd *Robert*'s Lawful Son and Heir. For it is plain, by what will be said below, and needs no farther Proof, that the Title of first begotten, and Heir, was never given in publick Instruments to any born out of lawful Wedlock. *Buchanan* therefore in this, as well as in other Things, falsely writes, that he was unlawfully begotten by *Robert* in his youthful Years upon *Elizabeth*, but afterwards legitimated by the subsequent Marriage of his Parents. But the more evidently to discover, how ignorantly, or rather impudently this Author, a most inveterate Enemy to all Kings, and Kingly Government, durst presume to asperse this Prince's Birth, we have thought it requisite to discuss the whole matter somewhat more accurately.

All *Buchanan*'s Fiction seems to be contain'd under these two Heads. 1st, That *Euphemia Ross* was first Wife to *Robert Stuart*, and that she dying in the Year of our Lord 1374, after having bore him several Children, *Robert* took to his second Wife *Elizabeth More*, by whom he had formerly had this *John* we now speak of, and other Children, before they were marry'd. 2dly, That *John* was not declar'd legitimate, or legitimated, and made capable of succeeding him any other-wise than by this last Marriage of *Robert* and *Elizabeth*,

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beth, and an Act pass'd by the Three Estates in Parliament.

The Falsehood of the first Assertion is thus demonstrated. In the first Place, it has been made appear above that *Robert* and *Elizabeth* were marry'd long before the Year 1364; it follows therefore that *Elizabeth* was *Robert's* first Wife, and not *Euphemia*. Next it manifestly appears, by what has been laid, that *Elizabeth* was dead before the Year 1364; therefore she could not be the second Wife in the Year 1374. Lastly, that renown'd Person *Lewis Stuart*, Advocate to King *Charles* the 1st of *Great Britain*, in a certain Schedule written with his own Hand, which the worthy Sir *George Mackenzy*, who was also the King's Advocate, inserts in his Book entitled, *Jus Regium*, testifies, *that he found above twenty Records in the Archieves of the Castle of* Edinburgh, *which make it as clear as the Sun, that* Elizabeth *was* Robert's *first Wife, and* Euphemia, *or* Euphania Ros *the second*. And thus much as to the first Head of *Buchanan's* Account.

The Arguments are of no less Force for confuting the other Part of the Fable, wherein *Buchanan* affirms, that *John Stuart* was legitimated, or declar'd legitimate, and capable of the Succession, by Virtue of the Marriage of *Robert* and *Elizabeth*, contracted in the Year 1374, and the Act of the Three Estates in Parliament held that same Year.

First, This Marriage of *Elizabeth*, who was dead ten Years before, is altogether absurd; and consequently the Legitimation grounded on it is fictitious.

Secondly, There is not the least Memorial to be found of this Act of Parliament among the Records of the Nation, which are preserv'd with the greatest Exactness imaginable; notwithstanding all the publick Acts have been examin'd by Men extraordinary well vers'd in those Affairs. Among others the noble Sir *John Hayes*, Knight, *Custos Rotulorum*, or Keeper of the Records under *Charles* the 1st, King of *Great Britain*, being by him commanded strictly to search all Acts of Parliament, found all quite contrary, and so reported it to the King. Besides the aforementioned *Lewis Stuart*, the King's Advocate in the same Reign, commended by *George Mackenzy*, P. 47. of the

the aforesaid little Book, having carefully examin'd the Records of the Kingdom, manifestly convicted *Buchanan's* Relation of Falshood. We give here his own Words, because the Testimony of so great a Man is of mighty moment in this Case. Buchanan (says he) *in his 9th Book, in the Life of* Robert *the 2d, affirms, that* Euphania, Euphemia Ross, *Daughter to the Earl of* Ross, *was first Wife to* Robert *the 2d; and that after her Death he took* Elizabeth More, *by whom he had before three Sons, and was marry'd to her, and appointed her Sons Heirs to the Crown, as the Eldest of them afterwards succeeded him. Which how false it is, plainly appears by the Records kept in the Castle of* Edinburgh; *where there are still extant the Acts of two Parliaments, subscrib'd by the Hands of the Clergy, Prelates, Nobles, Barons, and other Estates of Parliament, and confirm'd with their Seals, by which* Elizabeth More *is acknowledg'd to have been the first Wife, and* Euphania Ross *the second; and the Succession of the Throne is entail'd upon the Children of* Elizabeth More *as true Heirs, and after them upon the Children of* Euphania Ross. *There are also in the same Place several Records extant, made by* David, *their great Uncle, for several Lands, to* John, *the eldest Son of his Nephew* Robert, *whilst* Euphania Ross *was still living; as also to* David, *eldest Son to* Euphania Ross, *whom he only calls Son to his Nephew* Robert; *which he would not have done, if* Elizabeth More *had not been first marry'd to his Nephew* Robert. *Nay I have found above 20 Records in the Archieves, and left them there, by which it appears as clear as day, that* Elizabeth More *was the first Wife, and* Euphania Ross *the second. For beyond all Controversy* Elizabeth More's *Children were elder than the Children of* Euphania Ross. Thus far he; by which all Men must perceive, that the Act of Parliament mention'd by *Buchanan* must be fictitious.

In the London *Edition of* 1684. *I find this Question, at p.* 192.

Thirdly, John was look'd upon as his Father's lawful Son, and capable of succeeding him before the Year 1374. in which *Buchanan* places the Marriage of *Robert* and *Elizabeth*, and the said *John's* Legitimation. This appears by publick Instruments, by which he is before his Father's Accession to the Crown nam'd his Father's eldest Son and Heir; and during his Father's Reign he has those Titles given him, which belong to none but to the lawful and undoubted Heir of the Crown.

We have already seen *John* stil'd his Father's eldest Son and Heir in *Robert's* Charter, we here speak of. But the Title of Eldest Son and Heir, is never given to a Bastard, as was above observ'd, by that most knowing Person in the Laws of *Scotland*, *Lewis Stuart*. Another Charter of the same *Robert Stuart*, dated in the Year 1375, and recommended by Sir *George Mackenzy*, in his Book, entitul'd, *Jus Regium*, p. 51. runs thus, Robertus *Senescallus* Scotiæ *Comes de* Strathern, *&* Johannes *Senescallus primogenitus & heres ipsius, Dominus Baroniæ de* Kyle, *&c.* That is, Robert Stuart *of* Scotland, *Earl of* Strathern, *and* John Stuart *his eldest Son and Heir, Lord of the Barony of* Kyle, &c. In another Charter of King *David* the 2d, Uncle and Predecessor to *Robert Stuart*, commended by the same Sir *George Mackenzy*, the Witnesses at the Bottom, according to the ancient Custom are set down in this Order, Robertus Senescallus *Comes de* Strathern *nepos noster*, Johannes Senescallus *Comes de* Carrick *filius suus Primogenitus & heres*, Thomas *Comes de* Mar, *&c.* That is, Robert Stuart, *Earl of* Strathern, *our Nephew*, John Stuart *Earl of* Carrick, *his eldest Son and Heir*, Thomas *Earl of* Mar, &c. These three Charters were writ before *Robert's* Accession to the Crown; and during his Reign *John* has those Titles given him, which at that Time belong'd to none, but the sole undoubted Heir of the Crown.

This Quotation in the Edition above is at P. 197.

These Titles were, *The King's eldest Son, Earl of* Carrick, *and Stuart of* Scotland. In *Robert's* Charter, dated the first Year of his Reign, and of *Christ* 1371, on the 14th of *December*, which being Authentick is preserv'd in the Archeives of the aforesaid *Scots* College in *Paris*, with the Great Seal of *Scotland* hanging to it, the Witnesses at the Bottom stand in this Order, *Testibus Venerabili Patre* Willelmo *Episcopo Sancti* Andreæ, Johanne *primogenito nostro, Comite de* Carrick, *&* Senescallo Scotiæ, Roberto *Comite de* Menetteth, &c. That is, *Witnesses, the Venerable Father*, William, *Bishop of* St. Andrews, John, *our eldest Son, Earl of* Carrick, *and Stuart of* Scotland, Robert, *Earl of* Menetteth, &c. This *Robert* was Brother to *John*, by the same Mother *Elizabeth*, who, *Buchanan* falsly says, was created Earl of *Menetteth*, or *Fife*, in the Year 1374, upon occasion of the Petitions Legitimation, as also his Brother *John*, only then, and upon the same Occasion Earl of *Carrick*.

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There is extant in the Archieves of the same College another Charter of the same *John* dated at *Dundonevald*, the 17th of *December*, this same first Year of his Father's Reign, and of *Christ* 1371. The said Charter begins thus, *Universis ad quorum notitiam præsentes Literæ pervenerint* Johannes *primogenitus* Roberti *Dei Gratia Regis* Scottorum, *illustris Comes de* Carric, *& Senescallus Scotiæ, &c.* That is, *To all those to whose Knowledge these Presents shall come*, John *eldest Son to* Robert, *by the Grace of God King of* Scots, *illustrious Earl of* Carrick, *&c.* To this Charter hangs the said *John*'s Seal entire, made in red Wax upon green, and being a Fesse Checkie, with a Lion passant in Chief. But the Seal he us'd when a private Man, has only the Fesse Checkie, being the proper Arms of the private Family of the *Stuarts*, whereas the Seal he made use of in this Charter, when his Father was King, and he Heir to the Crown, has the Lion passant added to the Fesse Checkie, which was the private Coat of the Family. For these were the Arms belonging to the Heir of the Crown, who added the Lion, being the National Arms of *Scotland*, to the Coat of the Family.

There is an authentick Instrument in the Archieves of the Castle of *Edinburgh*, dated the same Year 1371, and the first of the Reign of King *Robert* the 2d, made on account of the Oath of Fidelity by all the Estates of the Kingdom in Parliament, to the said *Robert* the 2d, and *John* (*alias Robert*) his eldest Son, and lawful Heir to the Kingdom, with the Seals of the Three Estates of the Kingdom hanging to it. Which Instrument Sir *George Mackenzy* says, he took into himself, p. 49 of the abovementioned Book. And he farther affirms, he had in the same Archieves of the Kingdom seen several other Charters dated this same Year 1371, in which *John* is after the same manner call'd, Eldest Son, Earl of *Carrick*, and *Stuart* of *Scotland*.

This Quotation is in the Edition above-mention'd at p. 194.

Thus it appears to be most false that is related by *Buchanan*, that this *John* was created Earl of *Carrick* by his Father, and declar'd lawful Son to his Father, and capable of succeeding him in the Throne, in the 3d Year of his Father's Reign, and of *Christ* 1374.

Lastly, There is not so much as one Word of that fictitious Legitimation, and Act of Parliament, or of all this invented Fable of *Buchanan*, and some later Writers,

in the Manuſcript Author of the Hiſtory of *Scotland*, that is in the Library of our College at *Paris*. Which Argument, tho' *negative*, as they call it, ſeems to be of great moment in this Caſe; this Author having been born, as he himſelf teſtifies, fol. 172, in the Year 1286, or 1287, in the Reign of *Robert* the 2d, and was almoſt an Eye-witneſs to what paſs'd; and us'd to inſiſt upon the ſmalleſt matters that regard the Genealogy of our Kings.

Beſides it appears by this Author, that *John*, upon the Death of his Father *Robert*, was own'd King, and crown'd without any Diſturbance. We will give his own Words, *lib.* 33. cap. 1. fol. 182. *In ſequenti Vigilia Aſſumptionis noſtræ Dominæ, Die videlicet Dominicæ Anni Domini* 1390, Johannes *primogenitus* Roberti *II. Regis Defuncti, Comes de* Carrick, *apud* Sconam *regio more coronatus eſt; ubi de conſenſu Statuum vocatus eſt ab hinc* Robertus *III. In craſtino ſponſæ ſuæ Dominæ* Annabella *de* Drummond, (*ejuſdem illuſtriſſimæ familiæ Princeps eſt* Jacobus Drummond, *Comes de* Perth, *magnus* Scotiæ *Cancellarius*) *Dominæ præclariſſimæ diademate Regio inſignita eſt. In die vero martis proximo ſequenti Rex Fidelitatem & hominium ſumpſit ſuorum ligiorum.* That is, *On the following Eve of the Aſſumption of our Lady*, viz. *On Sunday in the Year* 1390, John, *eldeſt Son to King* Robert *the 2d deceas'd, Earl of* Carrick, *was crown'd at* Scone *in royal manner; where by conſent of the States, he was for the future call'd* Robert *the 3d. The next Day his Wife, the Lady* Annabella Drummond, (*the Chief of that moſt illuſtrious Family is* James Drummond, *Earl of* Perth, *Lord Chancellor of* Scotland) *a moſt noble Lady, was alſo crown'd. And on the Tueſday following the King took the Fidelity and Homage of his Liege People.* By which Words it manifeſtly appears, that *John* was unanimouſly admitted to ſucceed his Father, and the Oath of Allegiance taken to him by all the Eſtates of the Kingdom, and conſequently by his Brothers by *Euphemia*, his Father's ſecond Wife, and their Relations; which is ſcarce to be believ'd could have been done without ſome mighty Commotion, had there been any Scruple about the Legality of *John*'s Birth; eſpecially conſidering, he was render'd ſomewhat the more unfit for Government by a Fall from his Horſe and other Infirmities; and that his Relations by the Mother's Side

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were not ſo powerful as thoſe of his Brothers by *Euphemia Roſs.*

Beſides, according to *Buchanan* himſelf, the Government was, by reaſon of *Robert* the 3d's Inability, by general Conſent committed to his Brother *Robert* and his Nephew *Murdack* ſucceſſively, without the leaſt Regard had to the Sons of *Euphemia Roſs.*

We will conclude theſe Obſervations with the Teſtimony of *Joannes Major*, formerly a famous Doctor of the Univerſity of *Paris.* He in his Hiſtory of the *Scots*, written about the Year 1518, and the ancienteſt of all the Hiſtories of that Nation that ever were printed, ſpeaks thus of *Robert Stuart*, or *Robert* the 2d, and his Marriages and Children, *lib.* 4. cap. 6. fol. 121. *Ex* Elizabetha *filia Domini* Adam Mure *tres filios* Robertus *II. Rex genuit, ſcilicet* Johannem, *qui poſtea fuit Rex* (Robertus *III.*) *&* Robertum Albaniæ *ducem &* Alexandrum Buchaniæ *Comitem. Poſtea ex* Euphemia Roſſenſis *Comitis filia Galterum Comitem* Atholiæ *&* *Dominum de* Brechin, *&* David *Comitem de* Straterven *genuit. Mortua enim* Elizabetha *Regina hanc* Euphemiam *in conjugem accepit & Matrimonii gratia proles legitimatæ ſunt.* That is, *King* Robert *the* 2d *had three Sons by* Elizabeth, *Daughter to the Lord* Adam More, viz. John, *who was afterwards King*, (Robert *the* 3d) *and* Robert *Duke of* Albany, *and* Alexander, *Earl of* Buchan. *Afterwards by* Euphemia, *Daughter to the Earl of* Roſs, *he had* Walter, *Earl of* Athol, *and Lord of* Brechin, *and* David, *Earl of* Straterven. *For after the Death of Queen* Elizabeth *he took to Wife this* Euphemia, *and the Children were legitimated on account of the Marriage.* Thus he, who beſides confirming ours and the true Opinion of *Elizabeth*'s being dead before the Marriage between *Robert* and *Euphemia*, ſeems farther to have believ'd, that *Robert*'s firſt Children by *Euphemia Roſs* were born in Adultery, before Matrimony, whilſt his firſt Wife *Elizabeth More* was ſtill living, and not to have been otherwiſe look'd upon as legitimate than by the ſubſequent Marriage. And this perhaps was the Occaſion of *Boetius*'s Miſtake, *viz.* That he erroneouſly apply'd that to *Elizabeth* and her Children, which ancienter Hiſtorians had deliver'd of *Euphemia Roſs*, ſecond Wife to *Robert* and her Children.

Charta *Roberti* II. Scotorum Regis.

ROBertus *Dei Gracia Rex* Scottorum *omnibus probis hominibus tocius terre sue clericis & laicis salutem. Sciatis nos quasdam litteras* Johannis Kenedy *de* Donnonir *super fundacione & dotacione cujusdam capelle & trium capellaniarum juxta cimeterium ecclesie Parochialis de* Mayboyl *in comitatu de* Carrick *confectas de mandato nostro visas, lectas, & diligenter inspectas, non abolitas, nec in aliquo vicialas intellexisse ad plenum in hec verba. Universis ad quos presentes littere pervenerint* Johannes Kenedy *Dominus de* Donnonir *parochie de* Mayboyl *dioceſis* Glasguensis *salutem in omnium Salvatore. Quia inter alia per que fideles Christiani firmam tenent fiduciam remuneracionis eterne profunt veraciter & maxime oracionum suffragia & opera caritatis; quorum utrumque quis exequitur & complet efficaciter, si ad divini cultus augmentum locum sacrum honorificum de bonis sibi a Deo collatis zelo fidei construit, & ipsum habunde dotat redditibus pro servicio ministrorum. Hinc ergo universitati vestrum notum facio, quod ego Johannes* Kenedy *predictus, de auctoritate venerabilis in Christo patris ac* D. D. Walteri *Dei gracia Episcopi* Glasguensis, *fundavi & incepi quandam capellam in honore & sub nomine* B. Marie *Virginis juxta cimiterium Ecclesie parochialis de* Mayboyl *in comitatu de* Carrik. *Verum quia secundum canones, qui edificare vult, ante perficiat que ad luminaria, que ad custodiam, & que ad stipendia Ministrorum sufficiant; idcirco ego* Johannes *supradictus pro me & heredibus meis dono & concedo Deo, B.* Marie *Virgini, omnibus sanctis, ac perpetuo tribus capellanis ibidem divina celebraturis pro salubri statu mei,* Marie *uxoris mee, & liberorum meorum, quamdiu egerimus in humanis; & pro animabus nostris cum ab hac luce migraverimus, nec non pro animabus omnium antecessorum & successorum nostrorum, & omnium fidelium defunctorum, decem & octo marcatas terre de terris meis vicinis, contiguis sive annexis Ecclesie de* Mayboyl *& capelle predictis, una cum octodecim bollis furine de fructu multure de dicta terra percipi consuete, ac decem marcas sterlingorum annuatim percipiendas de terra de* Balintiewhane *ad duos anni terminos consuetos & quinque marcatas terre de* Barrelcleych, *& sex marcatas terre de* Trenchane, *& quinque marcatas terre de* Barrelach *ad sustentationem ipsius ecclesie sive capelle, unius clerici & trium*

capel-

capellanorum, ut præfertur, in liberam, puram, & perpetuam elemosinam, & in dotem præfatæ capellæ, sine aliquo retinemento superioritatis secularis, exactionis, vel demandæ. Et si dictas terras, annuos redditus, vel eorum partem aliquam a dicta capella evinci contigerit, obligo me, heredes meos, & assignatos, & omnia bona mea mobilia & immobilia, & specialiter terras meas de Donnonir, Tonergethe, & de Kylmekelly, ad dotandam dictam capellam, quatenus ab ea evictum fuerit & optentum. Volo etiam quod cujuslibet dictarum capellaniarum in perpetuum, cum vacaverit, præsentacio ad me & heredes meos spectet infra quatuor mensis a tempore vacationis Episcopo Glasguensi, & sede vacante, ejusdem capitulo facienda. Ex tunc enim ad eos devolvetur libera provisio illa vice tantum, salvo mihi & heredibus meis in perpetuum jure aliis, in posterum vicibus presentandi: Dictas etiam terras & redditus, si qua onera ordinaria vel extraordinaria, aut consueta servicia ipsi semineant; ab his quibus debentur liberabo, alioquin aliæ terræ meæ de hujusmodi oneribus plenarie respondebunt. Blada vero dictorum capellanorum molentur in molendino meo Ronnifre post me ipsum & heredes meos & de multura ad vas vicessimum quartum. Insuper pro me & heredibus meis promitto, quod cartas confirmacionis hujus meæ donationis dominorum meorum superiorum, videlicet illustris viri Domini Comitis de Carryk, & excellentissimi Principis Domini mei Regis Scociæ, ad finem quod jure alicujus eorum præsens mea fundacio in toto vel in parte retractari non possit, meis sumptibus procurabo. Si vero contingat, quod absit, me vel aliquem heredum meorum contra presentem fundacionem ipsarum capellaniarum aliquo unquam tempore in aliquo venire; obligo me, heredes meos in viginti libris Sterlingorum fabricæ Ecclesiæ Glasguensis & in viginti libris Sterlingorum ad ampliacionem & sustencionem dictæ capellæ applicandas nomine pœnæ, & in dampnis quæ dictos capellanos qui pro tempore fuerint sustinere contigerit juxta arbitrium superioris earundem persolvendi, toties quoties contrarium fuerit: Fundacione capellæ, ejus dotacione, libertatibus, & pœnæ continuatione nihilominus in suo robore duraturis; subjiciens me & heredes meos in præmissis omnibus & quolibet præmissorum jurisdictioni Episcopi Glasguensis, ut ego & heredes mei simpliciter de plano sine strepitu & figura judicii valeamus ad præmissa omnia & eorum quod libet per censuram Ecclesiasticam coherceri. Protestor insuper cum recolendæ memoriæ venerabilis Pater Willelmus Episcopus Glasguensis, ultimo defunctus

aucto-

auctoritate litterarum apostolicarum mihi ex causa injunxisset fundare unam capellaniam perpetuo duraturam, quod una istarum capellaniarum per me fundatarum sic cedat ad exoneracionem meam, quod ad aliam fundacionem eo prætextu non tenear in futurum. In cujus rei testimonium sigillum meum, una cum sigillo Domini Gilberti Kenedy militis filii mei & heredis, ac etiam cum sigillo venerabilis in Christo patris, & D. D. Walteri Dei gracia Episcopi Glasguensis, una cum sigillo communi Capituli ejusdem, ad majorem securitatem, presenti litteræ & uni alteræ ejusdem tenoris est appensum. Quarum litterarum una apud Glasguense Capitulum perpetuo remanente, alia vero penes Capellanos dictæ capellæ, per eos in loco quem elegerint custodiend. Similiter duarum confirmationum Domini Comitis de Carrick, & duarum Domini nostri Regis ejusdem tenoris quas impetrabo, una Comitis, & alia Regis, penes Glasguense Capitulum, aliæ vero duæ penes Capellanos, ut prefertur, perpetuo remanebunt. Datum apud Donnonir prædictum penultimo die mensis Novembris, Anno Domini millesimo tricentesimo septuagesimo primo.

1371.

The Place for the first Seals.

Quas quidem fundacionem & dotacionem terrarum & reddituum predictorum in liberam, puram & perpetuam elemosinam, & in dotem ipsius capellæ sic factas, juxta formam & effectum earundem litterarum in omnibus & per omnia pro nobis & heredibus nostris ratificamus, approbamus, & tenore presentis cartæ nostræ in perpetuum confirmamus. In cujus rei testimonium presenti cartæ confirmacionis nostræ nostrum precepimus apponi sigillum. Testibus venerabili in Christo Patre Willelmo Episcopo sancti Andreæ, Johanne primogenito nostro Comite de Carrik & Senescallo Scotiæ, Roberto Comite Meneteth, Willelmo Comite de Douglas, Johanne de Carrik Cancellario nostro, Willelmo de Keth Marescallo nostro, Jacobo de Lyndesay, Roberto de Erskyne, & Hugone de Eglyntona Militibus. Apud Dundonevald quarto die mensis Decembris, anno regni nostri primo.

The Place for the two great Seals.

Charta

Charta Johannis Comitis de Carrik & Seneſchalli Scotiæ.

UNiverſis ad quorum noticiam præſentes litteræ pervenerint Johannes *primogenitus* Roberti *Dei gracia Regis* Scottorum *illuſtris, Comes de* Carrik, *& Seneſcallus* Scotiæ, *ſalutem. Cum dilectus & conſanguineus noſter* Johannes Kenedy *Dominus de* Donnonir, *quamdam capellam in honore Beatæ* Mariæ *Virginis juxta cymiterium Eccleſiæ parochialis de* Maboylle *in comitatu noſtro de* Carrik *conſtruxerit ad ſuſtentacionem trium capellanorum & unius clerici ibidem perpetuo divina celebratur. Neceſſariam, quam redditibus & poſſeſſionibus ſubſcriptis dotavit, videlicet de decem & octo marcatis terræ contigue & vicinæ ſive annexæ dictæ Eccleſiæ de* Maboylle *& capellæ prædictæ, una cum octodecim bollis farinæ de ſicca multura de dicta terra percipi conſueta, ac decem marcis Sterlingorum annuatim percipiend. de terra de* Balinclenwhane *ad duos anni terminos conſuetos, & quinque marcatas terræ de* Barrecleych, *& ſex marcatas terræ de* Trenechane, *& quinque marcatas terræ de* Barrelach *in liberam, puram, & perpetuam elemoſinam, noveritis nos dictas conceſſiones & donaciones ſive indotaciones prædictis capellæ & capellanis ac clerico conceſſis ratificaſſe, approbaſſe, & pro nobis & heredibus noſtris in perpetuum confirmaſſe in omnibus & per omnia forma pariter & effectu, adeo libere & quiete, integre & honorifice, prout in cartis ſive litteris dicti* Johannis *inde factis & conceſſis plenius continetur. In cujus rei teſtimonium ſigillum noſtrum præſentib. fecimus apponi. Apud* Dondonald *in feſto beati* Johannes *Evangeliſtæ, Anno Domini milleſimo tricenteſimo ſuptuageſimo primo. Hiis teſtibus, nobilibus viris Dominis* Willelmo *de* Conyngham *Domino de* Kilmauris, Hugone *de* Eglinton *Domino de* Ardreſſane, Johanne *de* Lyndeſay *Domino de* Thuriſton, Johanne Walays *Domino de* Ricardton, Duncano Walays *Militibus*, Andrea *de* Conyngham, Andrea More, Johanne Tayt, *& multis aliis.*

The Place for the Seals.

The

The Charter of Robert *the* 2d, *King of* Scots.

Robert, by the Grace of God King of *Scots*, to all good Men of all his Land, Clergy or Laity, greeting. Be it known to ye, that we have fully understood certain Letters of *John Kennedy* of *Donnonir*, made on account of the Foundation and Endowment of a certain Chapel and three Chaplainships, by the Church-yard of the Parish Church of *Mayboyl*, in the County of *Carryk*, which have by our Command been view'd, read, and carefully examin'd, being no way eraz'd or deprav'd, and are in these Words. To all to whom these Presents shall come, *John Kennedy*, Lord of *Donnonir*, of the Parish of *Mayboyl*, in the Diocess of *Glasgow*, wisheth Health in the Saviour of all Men. Foralmuch as the Suffrages of Prayers and Works of Charity are truly advantageous among the other things thro which faithful Christians have a settled Faith of eternal Reward; both which he effectually performs and accomplishes, who with a faithful Zeal builds a sacred honourable Place for the Increase of Divine Worship out of the Estate bestow'd on him by God, and sufficiently endows it with Revenues for the Service of the Ministers. For this Reason I make known to you all, that I *John Kenedy* aforesaid, by the Authority of the Venerable Father in *Christ*, and Lord *Walter*, by the Grace of God Bishop of *Glasgow*, have founded and begun a certain Chapel in Honour and under the Invocation of the Blessed Virgin *Mary*, by the Church-yard of the Parish Church of *Mayboyl*, in the County of *Carrick*. But in regard that according to the Canons, he who designs to build, is before he finishes to provide as much as is requisite for Lights, Attendance, and the Stipends of the Ministers: therefore I *John* aforesaid do for my self and my Heirs give and grant to God, the Blessed Virgin *Mary*, all the Saints, and for ever to three Chaplains, who are there to perform Divine Service for the Prosperity of me, *Mary* my Wife, and my Children as long as we shall be in this World, and for our Souls when we shall depart this Life, as also for the Souls of all our Predecessors and Successors; and of all Faithful departed, eighteen Marc Lands of my Lands neighbouring,

bouring, contiguous or annex'd to the Church of *Mayboyl* and Chapel aforesaid, together with eighteen Measures of dry ground Meal of the usual Product of that Land, and ten Marks Sterling to be yearly receiv'd of the Lands of *Balinclewhane* at the two usual yearly Terms, and five *Mart Lands* of the Land of *Barrecleych*, and six *Marc Lands* of the Land of *Tranethane*, and five *Marc Lands* of the Land of *Barrelach*, for the Maintenance of the said Church or Chapel, one Clerk and three Chaplains, as abovesaid, for a free, pure and perpetual Alms, and for endowing of the said Chapel, without any Reserve of Secular Superiority, Exaction, or Demand. And if the said Lands, yearly Revenues, or any part of them, shall happen to be diverted by Course of Law, I do oblige my self, my Heirs and Assigns, and all my Estate real and personal, and especially my Lands of *Donnonir*, *Tonergethe*, and *Kylmikelly*, to endow the said Chapel, as far as shall be diverted and obtain'd from it. It is also my Will, that the Presentation of every one of the said Chaplainships, when vacant, shall belong to me and my Heirs, for four Months after the Time of its being so vacant, to be made to the Bishop of *Glasgow*, and upon the Vacancy of that See to its Chapter; for from that Time forward the free supplying of it shall devolve to them only for that Time, saving to my self and my Heirs for ever the Right of presenting at other Times for the future. I will also discharge the said Lands and Revenues, if there be any ordinary or extraordinary Incumbrances, or usual Services on them, from those to whom they are due, or otherwise other Lands of mine shall fully answer for all such Incumbrances. The Corn of the said Chaplains shall be ground in my Mill at *Rossifre*, after me, and my Heirs, and the 24th Part shall be taken for grinding. I do farther promise for my self and my Heirs, that I will at my own Cost procure Charters of Confirmation of this my Gift of the Lords my Superiors, *viz.* of the Illustrious Person, the Lord Earl of *Carrik*, and of the most Excellent Prince my Lord the King of *Scotland*, to the end that my present Foundation may not in the whole or in part be infring'd by the Right of either of them. But if it shall happen, which God forbid, that I or any of my Heirs, should at any Time in any way act contrary to this present Foundation of the said three Chaplainships; I do

oblige

oblige my self and my Heirs to pay the Sum of twenty Pounds Sterling for the Repairs of the Church of *Glaſgow*, and the Sum of twenty Pounds Sterling to be apply'd to the enlarging and maintaining of the ſaid Chapel, as a Penalty, and to make good the Damages the ſaid Chaplains for the Time being ſhall happen to ſuſtain, according to the Judgment of their Superior, as often as any thing ſhall be done contrary to this; the Foundation of the Chapel, its Endowment, Liberties, and the Continuance of the Penalty, being nevertheleſs to continue in their full Force; ſubjecting my ſelf and my Heirs in all and every of the Premiſſes to the Juriſdiction of the Biſhop of *Glaſgow*, that I and my Heirs may be abſolutely and plainly, without any Noiſe or Form of Trial, be compell'd to the Performance of all and every the Premiſſes by Eccleſiaſtical Cenſure. I do farther proteſt, that whereas the Venerable Father *William* Biſhop of *Glaſgow*, of worthy Memory, lately deceas'd, did by the Authority of Apoſtolick Letters, upon a Cauſe, enjoin me to found one Chaplainſhip for ever, one of theſe Chaplainſhips by me founded ſhall go to the diſcharging of me, that I may not be oblig'd to another Foundation hereafter on that Pretence. In Teſtimony whereof my Seal, together with the Seal of the Lord *Gilbert Kenedy* Knight, my Son and Heir, as alſo the Seal of the Venerable Father in *Chriſt*, and Lord *Walter*, by the Grace of God Biſhop of *Glaſgow*, together with the common Seal of that Chapter, is for the greater Security appended to this preſent Deed, and to another of the ſame Tenor: Of which Deeds one being for ever left with the Chapter of *Glaſgow*, the other is to be kept by the Chaplains of the ſaid Chapel in the Place they ſhall make choice of. In like manner of two Confirmations of the Lord Earl of *Carrik*, and two of our Lord the King of the ſame Tenor, which I will obtain; one of the Earl's and one of the King's ſhall for ever remain with the Chapter of *Glaſgow*, and the other two with the Chaplains, as is abovelaid. Given at *Donnonir* aforeſaid, on the laſt Day ſave one of the Month of *November*, in the Year of our Lord One Thouſand Three Hundred and Seventy One.

The Place for the two ſmall Seals.

The

The which Foundation and Endowment of Lands aforesaid so made as a free, pure and perpetual Alms, and for endowing of the said Chapel, according to the Form and Effect of the same Deed, we do in all Things, and to all Purposes, for our selves and our Heirs, ratify, approve, and by this our present Charter for ever confirm. In Testimony whereof we have order'd our Seal to be affix'd to this our present Charter of Confirmation. Witnesses, the Venerable Father in *Christ*, *William* Bishop of St. *Andrews*, *John* our eldest Son, Earl of *Carrik* and Stuart of *Scotland*, *Robert* Earl of *Menetteth*, *William* Earl of *Douglas*, *John Carrik* our Chancellor, *William Keth* our Marshal, *James Lyndesay*, *Robert Erskyne*, and *Hugh Eglynton* Knights. Given at *Dundenowald* the fourth Day of the Month of *December*, in the first Year of our Reign.

The Place for the two Great Seals.

The Charter of John *Earl of* Carrik, *and Stuart of* Scotland.

TO all those to whose Knowledge these Presents shall come, *John*, eldest Son to *Robert*, by the Grace of God King of *Scots*, Earl of *Carrick* and Stuart of *Scotland*, Greeting. Whereas our well-beloved Kinsman *John Kennedy*, Lord of *Donnonir*, has built a Chapel in Honour of the Blessed Virgin *Mary*, by the Churchyard of the Parish Church of *Mayboyle*, in our County of *Carrik*, for the necessary Maintenance of three Chaplains and one Clerk, there for ever to perform Divine Service, which he has endow'd with the under-written Revenues and Possessions, *viz.* with eighteen Marc Lands of Land contiguous, and neighbouring to, or annex'd to the said Church of *Mayboyle*, and the Chapel aforesaid, together with eighteen Measures of Meal dry-ground, of the usual Growth of the said Land, and ten Marks Sterling to be yearly receiv'd of the Land of *Balinclenwhane*, at the two usual Times of the Year, and five Marc Lands of the Land of *Barrecleych*, and six Marc Lands of

the

the Land of *Trenechane*, and five Marc Lands of the Land of *Barrelach*, for a free, pure, and perpetual Alms. Be it known to ye, that we ratify'd and approv'd, and for our selves and our Heirs have for ever confirm'd the said Grants or Donations and Endowments, granted to the said Chapel, and Chaplains, and Clerk, in all Points and to all Purposes, in Form and Effect, as freely and quietly, wholly and honourably, as is more fully contain'd in the Deeds or Letters of the said *John* thereupon made and granted. In Testimony whereof we have caus'd our Seal to be appended to these Presents. Given at *Dundonal*, on the Feast of St. *John* the Evangelist, in the Year of our Lord One Thousand Three Hundred and Seventy one. These being Witnesses, the noble Persons the Lords *William Conyngham* Lord of *Kilmaurs*, *Hugh Eglinton* Lord of *Ardressane*, *John Lyndesay* Lord of *Thuriston*, *John Walays* Lord of *Ricardton*, *Duncan Walays* Knights, *Andrew Conyngham*, *Andrew More*, *John Tayt*, and many others.

The Place for the Seal.

The Instrument of Renowned and most Learned Men, concerning the Charter of Robert Stuart *of* Scotland.

WE whose Names are underwritten being desir'd by that Worthy Person, *Lewis Innese*, Almoner to the Queen of *Great Britain*, and Head of the *Scots* College in the University of *Paris*, to meet in the Royal Monastery of *Saint Germain dez Prez*, in this City of *Paris*, there to view and carefully examine the Charter of *Robert Stuart* of *Scotland*, dated at *Perth*, in the Year of our Lord One Thousand Three Hundred and Sixty Four, on the Twelfth Day of the Month of *January*, which is kept as authentick in the Archieves of the said College lastly restor'd by the most Reverend Father in God, *James* of *Bethune*, Archbishop of *Glasgow* in *Scotland*, who brought away the antient Records of his Church with him into this City, and deposited

part

part of them for a perpetual Memorial in the said College, being assembl'd on the 26th Day of *May*, in the Year of our Lord 1704, did carefully inspect, examine, and with the greatest Exactness that possibly could be, discuss the above-mention'd Charter laid before us by the aforesaid Worthy *Lewis Innese*, and do testify the same to be antient, genuine, altogether writ in the Character of those Times, no way liable to the least Suspicion of being false or counterfeit, seal'd with two Seals, which we do also testify are antient and entire. And for the more Certainty of our Testimony and Judgment, we have taken care to have the said Charter here transcrib'd Word for Word, which is as follows.

Here in the Instrument the Charter is literally transcrib'd as is above mention'd, which is needless to be repeated, since it is in its proper Place before exactly copy'd both as to Orthography and Punctation, as was there observ'd. And after giving the Charter, they proceed in their Testimony thus.

The said Charter was seal'd with two round Seals in Red Wax upon White, one of which has a Fess Checkie, and about it written in legible Letters, *Sigillum Roberti Senescalli Scotiæ.* The other has also a Fess Checkie, within a double Tressure of Flower-de-luces, and about it is written in legible Letters, *S. Johannis Senescalli.* In Testimony of all which Particulars, we have caus'd these Presents subscrib'd by all our Hands, to be seal'd with the Seal of the said Royal Monastery. Given in the said Monastery, the Day and Year above-mention'd.

* *Camillus le Tellier Abbas de Louvois.*
Eusebius Renaudot. *F. Johannes Mabillon.*
Baluze. *F. Theodoricus Ruinart.*
Honore Caille.
Nicolaus Clement.

And we *Hilarius Rouille de Coudray*, Privy Counsellor, and his Majesty's Sollicitor in the Supreme Court of Exchequer, being present in this Assembly of most Learned Men, and perfectly knowing in Antiquity, and having inspected and examin'd that Charter, did think fit to

verify their Opinion by our Approbation; and do judge no Man can make any doubt of its being most authentick, and altogether free from any Suspicion. In Testimony of all which we have here subscrib'd our own Hand, and caus'd our Seal to be affix'd.

Rouille de Condray.

And we the Earls, Barons, and other Subjects of his Majesty of *Great Britain*, whose Names are underwritten, were present, whilst the aforesaid Charter was inspected and examin'd by the aforesaid most learned and skilful Men in Antiquity, and we also saw it with them, and found it entire. In Testimony whereof we have put our Hands and Seals to these Presents. Given as above.

Middleton. a *Milford.* b *Dunfermling.* c
Drummond. d *Dunkeld.* e *W. Mr. Kenmow.* f
Ch. Fleming. g *Alex. Maitland.* h
Ch. Kinnaird. i *All. Macdonald.* k
James Montgomerie. l *Walter Innes.*
Jo. Menzies. *James Malcolm.* *Da. Lindsay.*
J. Cockburn. *Charles Edwards.*
Jo. Livingstone. *James Murray.* *N. Deans.*
Rob. Arbuthnot.

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* Camillus le Tellier de Louvois, *Abbot of* Bourgueil *and* Valusant, *Canon of the famous Church of* Reims, *the King's Library-keeper.*

Eusebius Renaudot, *the King's Historiographer.*

Stephanus Baluzius, *Canon of the renowned Church of* Tulle, *Regius Professor of Canon Law, and Overseer of the* Colbert *Library.*

Honoratus Caille, *Lord of* Fourny, *of his most Christian Majesty's Privy Council, and Auditor in the Court of Accounts.*

Nicolaus Clement, *Keeper of the Queen's Library.*

Domnus Johannes Mabillon, *Priest and* Benedictin *Monk of the Congregation of St.* Maur.

Domnus Theoridicus Ruinart, *Priest and* Benedictin *Monk of the Congregation of St.* Maur.

a Charles Middleton, *Privy Counſellor to the King of* Great Britain *in the Kingdoms of* Scotland *and* England, *&c.* b John Drummond, *Earl of* Milford, *Privy Counſellor to the King of* Great Britain, *Knight of the moſt Noble Order of the Garter*, &c. c James Seatoun, *Earl of* Dunfermling, *Knight of the Order of St.* Andrew, &c. d James *Earl of* Drummond, *eldeſt Son to* James *Earl of* Perth, *the Lord Chancellor of* Scotland, &c. e James Galloway, *Vicecount* Dunkeld. f William Gordon, *Lord* Kenmour, *eldeſt Son to the Vicecount* Kenmour. g Charles Flemming, *Brother to* John *Earl of* Wigtoune. h Alexander Maitland, *Brother to* Richard *Earl of* Lauderdale. i Charles Kinraird, *Brother to the Baron of* Kinraird. k Allan Macdonald, *Chief of the* Clan *of* Clanranald. l James Montgomery *Knight, Lord of* Skelmorlie. *The teſt Noblemen, Knights, and Perſons of Learning.*

Theſe Teſtimonies out of *Mabillon* are of ſuch undoubted Authority, that they cannot but ſatisfy any unbiaſs'd Perſon; but becauſe there are many who will rather believe Scandal upon a ſlight Hearſay, or upon the Report of Malice, than an honourable Vindication, grounded upon ſubſtantial Proofs of unprejudiced Perſons and Men of untainted Reputation, we will corroborate what this *French* impartial Author has, upon a ſolemn Examination of Matter of Fact, deliver'd, with the full and no leſs authentick Evidence of Sir *George Mackenzie*, his Majeſty's Advocate in *Scotland*, above quoted by *Mabillon*; which Quotation being there of only ſome Heads, and very brief, it will be convenient to give the Reader his full Proofs upon this matter. His Reputation has always ſtood untainted, and being in the Poſt above-mention'd, he had the Opportunity of ſearching Records, and getting all the neceſſary Information that *Scotland* could afford, which *Hector Boetius*, the firſt Broacher of this Slander on the Family of the *Stuarts*, wanted, and *Buchanan*, who deſignedly improv'd it for his own Ends, as we ſhall ſee hereafter. Sir *George Mackenzie* writ a ſmall Book, entitl'd, *Jus Regium, or the Juſt and Solid Foundations of Monarchy in general, and more eſpecially of the Monarchy of* Scotland, &c. To which is annex'd another ſmall Treatiſe, proving, *That the lawful Succeſſor cannot be debarr'd from the Crown.* In this laſt, after bringing his own Arguments to make good his Aſſertion, he offers the Objections that may be

made, and solve them. The others not being to our Purpose, shall be here pass'd by, to avoid detaining the Reader upon any thing but what directly relates to the Legitimacy of the Royal Family of the *Stuarts*. This being the last Objection made against his Arguments, and fully answer'd, we will give in his own Words at large, for the more Perspicuity, as follows.

The last Objection is, That *Robert* the 3*d*, King of *Scotland*, was by an Act of Parliament preferr'd to *David* and *Walter*, who, as he (*Buchanan*) pretends, were truly the eldest lawful Sons of *Robert* the 2*d*, because *Euphan*, Daughter to the Earl of *Ross*, was first lawful Wife to King *Robert* the 2*d*, and she bore him *David* Earl of *Strathern*, and *Walter* Earl of *Athol*, *Alexander* Earl of *Buchan*, and *Euphan*, who was marry'd to *James* Earl of *Douglass*; after whose Decease he marry'd *Elizabeth Muir*, Daughter to Sir *Adam Muir*; not so much, (as *Buchanan* observes) from any Design to marry a second Wife, as from the great Love he carry'd to *Elizabeth Muir*, whom because of her extraordinary Beauty he had lov'd very passionately in his Youth, and before he marry'd the Earl of *Ross*'s Daughter, and from the Love which he bore to the Sons whom *Elizabeth* had born before that first Marriage, who were *John* Earl of *Carrick* (who thereafter succeeded to the Crown by the Title of *Robert* the 3*d*) and *Robert* Earl of *Fife* and *Monteith*; he prevail'd with the Parliament to prefer *John*, eldest Son to *Elizabeth Muir*, to the two Sons which he had by the Earl of *Ross*'s Daughter, who was (as they pretend) his first lawful Wife.

In which, tho' I might debate many nice Points of Law relating to this Subject, yet I chuse only to insist on these few convincing Answers.

1. That in a Case of so great moment, Historians should be little credited, except they could have produc'd very infallible Documents; and as in general one Historian may make all who succeed him err, so in this case *Boetius*, who was the first, lived and wrote 200 Years after the Marriage of King *Robert* the 2*d*, and wrote his History at *Aberdeen*, very remote from the Registers and Records, by which he should have instructed himself; nor did he know the Importance of this Point, having touch'd it only transiently, tho' it

has

has been designedly prest by *Buchanan*, to evince that the Parliaments of *Scotland* might prefer any of the Royal Line they pleas'd; and it is indeed probable that King *Robert* the 2d did for some time make no great Noise of his first Marriage with *Elizabeth Muir*, lest the Meanness of the Match should have weakned his Interest upon his first coming to the Crown, he being himself the first of the Race of the *Stuarts*, and having so strong Competitors, as the Earl of *Douglass*, who claim'd Right to the Crown in the Right of the *Baliol*, and the *Cummings*, as *Buchanan* himself observes.

2. King *Robert* the 3d having succeeded as the eldest lawful Son, and having been receiv'd as such by that Parliament, and his Posterity by all succeeding Parliaments, the Possession of the King, and the Acquiescence of the People, is the most infallible Proof that can be adduc'd for the proving that *Robert* was the eldest lawful Son, nor have most Kings in *Europe*, or the Heads of most private Families, any other Proof of their being the eldest and lawful Sons, have that they succeeded and were acknowledg'd as such.

3. To ballance the Authority of these Historians, I shall produce the Testimony of the Learned Sir *Lewis Stuart*, one of the most famous Lawyers we ever had, and who ought much more to be believ'd than *Buchanan*, not only because he was more disinterested, but because he found upon Acts of Parliament and old Charters, which he himself had seen in the Registers, in which *Elizabeth Muir* is acknowledg'd to have been the first Wife. [We have given this before in *English*, quoted by *Mabillon*, and will here repeat it in *Latin*, being the very Words of Sir *Lewis Stuart*, for the Satisfaction of the Curious, as follows.] Buchananus *lib.* 9. *in vita* Roberti 2. *affirmat* Euphaniam, *Comitis Roſſensis filiam primam Regis* Roberti 2. *uxorem fuisse, & ea mortua, Regem superinduxisse* Elizabetham Moram, *ex qua prius liberos ternos mares suscepisset, & eam uxorem duxisse, ejusque liberos regno destinasse, ut postea eorum natu maximus succederet, quod quam falsum sit apparet ex archivis in carcere* Edinburgensi *reconditis, ubi extant separata acta duorum Parliamentorum subscripta manibus Ecclesiasticorum prælulum, nobilium, baronum, & aliorum statuum Parliamenti, & eorum sigillis roborata, quibus* Elizabetha More *agnoscitur prima uxor, &* Euphania Rosse *secunda, &*

& liberis ex Elizabetha Mora tantum istis hæredibus regni, successive regnum deferretur, & post eos liberis Euphaniæ Rosse, necnon ibidem carte exstant plurimæ factæ per Davidem secundum, eorum patruum magnum ex diversis terris, Johanni filio primogenito, nepotis ejus Roberti, dum Euphania Rosse viveret, necnon Davidi filio nato maximo Euphaniæ Rosse, quem falsum filium indigitat Roberti nepotis, quod non fecisset si Elizabetha Mora non prius fuisset nupta Roberto ejus nepoti, nam primogenitus numquam attribuitur nothe; imo ego plures quam viginti cartas in archivis inveni, ubi etiam eas reliqui, ex quibus sole clarius elucescit, Elizabetham Moram primam fuisse uxorem, & Euphaniam Rosse secundam, nam extra controversiam, liberi Elizabethæ Moræ ætate grandiores erant liberis Euphaniæ Rosse. Which Paper I did get from the Lord Pitmeden, who has himself written some Learned Observations upon this Point.

4. I have my self seen an Act of Parliament (found out by the Industry of Sir *George Mackenzie* of *Tarbet*, now Lord Register) having the intire Seals of the Members of Parliament appended thereto, by which the Parliament do swear Allegiance to *Robert* the 2d, the first King of the Race of the *Stuarts*; and after him, *Roberto Comiti de* Carrick, *filio suo natu maximo* (his eldest Son) *in Anno* 1371, which was the first Year of his Reign. I have also found out a Copy of an Act of Parliament among the Records of the late famous Lord Register *Skeen*, the Substance whereof was thus.

That a Parliament being called at Scoon *the* 4th *of April*, Anno 1373, *and third Year of the Reign of King Robert the* 2d, *on purpose to secure the Succession, and to prevent all Disorders that might afterwards arise, in any Part of the Kingdom about Titles to the Crown; It was Enacted by the said King* Robert *the* 2d, *with the Advice and Consent of the whole Three Estates, That the Sons then born to the King, by the first and second Wives, and their Heirs, should in Order succeed to the King in manner after specify'd: That is to say, That his eldest Son by the first Marriage,* John *Earl of* Carrick, *should immediately succeed, as had been already declar'd in the preceeding Parliament, and after him his Heirs; And in case he dy'd without Issue, that his Brother* Robert, *Earl of* Monteith, *the King's second Son of that Marriage, should succeed, and his Heirs; Which failing, that* Alexander, *Earl of* Ba-

denoch,

donoch, *the King's third Son of that Bed, and his Heirs, ſhould inherit the Crown: And in caſe that fail'd, that* David, *Earl of* Strathern, *the King's fourth Son by his ſecond Wife, and his Heirs ſhould ſucceed; And that failing, that* Walter, *the King's fifth Son by his ſaid ſecond Wife, and his Heirs, ſhould inherit the Crown. And if it ſhould happen that the ſaid five Sons and their Iſſue ſhould fail, that then the next in Blood of the Royal Line ſhould ſucceed. Which Act all the Three Eſtates did for themſelves and their Heirs for ever, ſolemnly ſwear to obſerve, as is more largely to be ſeen in the Original it ſelf.*

And if the pretended Defect be true, it was a very palpable, and a very undeniable one, and could not but have unanſwerably been known to the whole Nation. And how can we imagine, that the whole Parliament would have unanimouſly drawn upon themſelves ſo dreadful a Perjury, by excluding the lawful Heir, againſt their National Oath, in the Reign of King *Kenneth* the 3d, whereby they ſwore to own always the immediate Heir; or that they would have entail'd upon themſelves a Civil War, by prefering even a queſtionable Heir, after the Miſeries which they had lately then felt, in the Competition betwixt the *Bruce* and the *Baliol*, amongſt which Seals, the Seal of *James* Earl of *Douglas* is one; and how ridiculous is it to think, that he would ſit and declare a Baſtard preferable to the Brother of his own Lady, and to his own Lady who would have ſucceeded, if the Brothers had dy'd without Iſſue? Which Act of Parliament does alſo clearly prove, that *Buchanan* did not at all underſtand Matters of Fact in this Part of the Hiſtory; for he aſſerts, that after the Death of *Euphan Roſs*, the King marry'd *Elizabeth Muir*, and did by Act of Parliament obtain the Crown to be ſettled upon *Robert* the 3d, Son to the ſaid *Elizabeth Muir*, upon whom he alſo beſtow'd the Title of *Carrick*; all which is moſt falſe, for this Act of Parliament is dated in *Anno* 1371, and King *Robert* the 2d ſucceeded to the Crown that Year, nor did *Euphan Roſs* die till the third after he ſucceeded to the Crown, and ſo not till the Year 1374; and yet in *Anno* 1371, this Act is paſt, deſigning him Heir to the Crown, and Earl of *Carrick*; and conſequently he was ſo deſign'd before the Death of *Euphan Roſs*.

5. I have seen a Charter granted by King *Robert* the 2d, when he was only Steward of *Scotland*, in *Anno* 1363. and so long before he was King. In which Charter likewise, *John*, thereafter King, by the Name of *Robert* the 3d, is a conjunct Disponer with him, under the express Designation of the eldest Son and Heir. Robertus Senescallus Scotiæ, *Comes de* Strathern, & Johannes Senescallus *primogenitus & hæres ipsius, Dominus Baronie de* Kyle, *&c.* which Charter confirms to the Abbacy of *Paisley* several Lands dispon'd to them, by *Riginaldus More*, Father to Sir *William Muir* of *Abercorn*. And I find that *David* Duke of *Rothsay*, was always in the Charters granted by his Father King *Robert* the 1st, call'd *Primogenitus*, and he was no Bastard, nor can this Designation be given to a Bastard, as is clear by *Covarrubias de Matrim. part* 2. *cap.* 8. §. 2. *num.* 4. But how can it be imagin'd that the Monks of *Paisley* would have taken a Right from a Person, as Heir to the Crown, who was not? For this would have inferr'd Treason against them, beside the annulling their Right: Or who could understand better the Lawfulness of a Marriage, than a Body of Churchmen, living in the Time, and very near to the Residence of the marry'd Persons, and in whose Conventual Church, the said King *Robert* and *Elizabeth Muir* lie bury'd together.

Item, I have seen in the Registers another Charter granted by King *Robert* the 2d, in the first Year of his Reign, with the Consent of *John*, Earl of *Cannick*, *primogenitus & heres* Allano *de* Lavidia *terrarum de* Whitflet; And another granted by the said King, 1. *June*, *Anno primo regni*, confirming to *Paulo Metire*, a Charter granted by the Earl of *Ross*, Father to *Euphan*, wherein the said *John primogenitus & heres*, is a Witness: And to shew that the said *Euphan* was then living, when he was so design'd Heir; there is a Charter to her by the King upon the very same Day, of the Lands of *Lochleaven*. As also, there is a Charter granted by King *Robert* the 2d, the first Year of his Reign, to *Alexander* his Son, and another to *John Kennedy*, of the Barony of *Dalrymole*, in both which the said *John*, Earl of *Carrick*, is call'd *Primogenitus*, and is Witness with the Earl of *Dowglas*; so that he has been design'd eldest Son and Heir openly, uncontrovertedly, and in all Papers, and with the Consent of the second Wife and her Relations.

6. In

6. In the Parliament 1372, the said *John* Earl of *Carrick*, is design'd to be Lieutenant of the Kingdom, and all the Estates of Parliament swear to own him in his Government, and which Statute is printed amongst the Statutes of King *Robert* the 2d, Father to the said *John*, and which must be during the Marriage with *Euphan Ross*, for she liv'd three Years after her Husband was King, and he succeeded to the Crown, *Anno* 1371. And this also confutes *Buchanan*, who asserts, that he was created Earl of *Carrick* after the Death of *Euphan Ross*, and it is against all Sense and Reason, to think that he could have been acknowledg'd during her Life, if he had not been the true apparent Heir of the Crown, and a lawful Son.

I have also seen in *Fordon*'s History, *lib.* 14. *p.* 73. a Charter granted by King *David* to the Bishops, with the Consent of *Robert* his Nephew, and his Son's, giving Power to the Bishops to dispose in Testament upon their own Moveables, which before that Time did by a corrupt Custom fall to the King: in which Charter the Witnesses are, Robertus Senescallus *Comes de* Strathern, *nepos noster* Johannes Senescallus *Comes de* Carrick, *filius Ivus primogenitus & heres*, Thomas *Comes de* Mar, Georgius *de* Dunbar, *Comes de* March, *&* Gulielmus *Comes de* Dowglas; so that here is not only the Attestation of the Father before he was King, naming *John*, Earl of *Carrick*, thereafter King *Robert* the 3d, his eldest Son and Heir, but the Attestation of the Grand Uncle, King *David*, who could be no ways biass'd in the Affair; and here he is rank'd before the three eldest Earls in the Nation, who were then the three first Subjects therein; and it is against all Sense, to think, that the whole Bishops would have sought the Consent of the said *John*, as apparent Heir of the Crown, if he had not been apparent Heir. I find also, that *Fordon* calls him, when he is crown'd King, *Primogenitus* Roberti *secundi*, nor was there the least Opposition made to his Coronation, nor to the Coronation of *Annabella Drummond*, his Queen, a Daughter of the House of *Stob-hal*, now *Pearth*, tho both the Sons of the second Marriage were then alive. I find also, that *Boetius* himself acknowledges, that the Earl of *March*'s Son *George*, being pursu'd for having marry'd clandestinely one of the Daughters of *Elizabeth Muir*, his Defence was, That he marry'd her when she

was the Daughter of a private Subject, and before King *Robert* was King, whereas if she had been only a Baſtard Daughter, it could have been no Crime to have marry'd her.

7. *Walter*, who they pretend ſhould have ſucceeded to the Crown having kill'd his Nephew King *James* the 1ſt, Son to King *Robert* the 3d; he was not only not own'd after the Death of the ſaid King *James*, as certainly he had been if his Title had been good, and his Right ſo recent and demonſtrable, having ſo many great and powerful Relations, that his Father was induc'd upon their account to marry his Mother; but yet the ſaid *Walter* was by all the Parliament unanimouſly condemn'd as a Traytor, for having conſpir'd the Death of his lawful Prince. Nor does *Boetius* juſtify *Walter*'s Title in the leaſt, but on the contrary, magnifies the Parliament for their juſt Sentence; as did likewiſe *Æneas Silvius*, the Pope's learned Legate, who exhorted the Parliament to condemn him.

8. How is it imaginable that King *Robert*, who had ſo lately, and after a ſtrong Competition come to the Crown, would have adventur'd to make his Title yet more diſputable, by preferring a Baſtard to the true Heir, who had ſo many Friends by his Mother, and who being an Infant had never diſoblig'd him.

9. If we will conſider the Opinion of *Civilians*, whom we and almoſt all Nations follow in the Caſes of Succeſſion, we will find, that the ſaid King *Robert* the 3d, was the eldeſt and lawful Son of King *Robert* the 2d, *Filius legitimus, & non legitimatus.* For,

1. They conclude, that a Son is prov'd to be a lawful Son by the Aſſertion of the Father, *Alciat. tract. præſumpt. Reg.* 1. *præſumpt.* 2. *num.* 6. and certainly the Father is the beſt Judge in ſuch Caſes; but ſo it is, we have the Father owning the ſaid *Robert* the 3d, to be his eldeſt Son and Heir, both in Charters and Acts of Parliament, which are the moſt ſolemn of all Deeds.

11. *Quando pater inſtituit aliquem tanquam filium ſuum*, which holds in this Caſe, where the Father inſtitutes and leaves him Heir, and the Parliament ſwears Allegiance to him as the Heir. *Maſcard de prob. vol.* 2. *concluſ.* 1291. And in dubious Caſes, the Father's naming ſuch a Man as a Son, preſumes him to be a lawful Son, *Nominatio*

natio parentis inducit filiationem in dubio, l. ex facto, & ſi quis Regatus F. ad trebell.

III. Even Fame, and the common Opinion of the People, do in favour of thoſe that are in Poſſeſſion, and in ancient Caſes prove *& filiationem & legitimationem, Maſcard concluſ.* 792. but much more, where the Fame and common Opinion is ſupported by other Arguments, *Fulgoſ. conſil.* 128. *Panorm. in cap. tranſmiſſ. qui filiis ſunt legitimi.*

IV. When Writs are produc'd, calling a Man a Son, the Law concludes him to be a lawful Son. *Maſcard. vol.* 2. *concluſ.* 800. *num.* 15. All which can be eaſily ſubſum'd in our Caſe. In which *Robert* the 3d is nam'd, not only Son, but Heir, and Allegiance ſworn to him, even in the Life time of the ſecond Wife, and her Relations ſitting in Parliament; and all this acquieſs'd in for many hundreds of Years, and the Competitors puniſh'd as Traytors, by the unanimous Conſent of all the Parliament.

I know that *Bucanan* does moſt bitterly inveigh againſt thoſe Laws made by King *Kenneth* the 3d, as Laws whereby the ancient Right of Succeſſion was innovated, and whereby the Government was ſettled upon Children, who were neither able to conſult with the People, nor to defend them, and whereby thoſe had the Government of the Nation conferr'd upon them, who were not capable to govern themſelves.

To which my Anſwer is, That in this, *Buchanan*'s Malice contradicts his Hiſtory; for his own Hiſtory tells us, that the *Scots* ſwore Allegiance to *Fergus* and his Poſterity; and conſequently *Fergus*'s Son ought by Law to have ſucceeded, and not his Brother; for his Brother was none of his Poſterity; and therefore thoſe Laws made by King *Kenneth*, did but renew the old Law, the Innovation introduc'd in Favour of the Unkle's [illegible] a Subverſion of the Fundamental Law to which they had ſworn.

2. That the old Law was not abrogated, but was in being by virtue of the firſt Oath, appears very clear by *Buchanan* himſelf, who confeſſes, that upon the Death of *Dorſtus*, a wicked Prince, it was debated whether his Son ſhould not ſucceed, *juxta Sacramentum* Fergufio *præſtitum, veteremque eſſe morem ſervandum*, which acknowledged, that the Succeſſion was even in thoſe Days eſta-

eſtabliſh'd by Law, by Oath, and by Cuſtom; and after the Death of *Fergus* the 2d, his Son *Eugenius* (tho' a Minor) was crown'd, and his Unkle *Gremus* allow'd to be his Guardian. And *Buchanan* alſo brings in Biſhop *Kennedy*, *in anno*, praiſing this Law as made by *Kenneth*, a moſt wiſe and glorious Prince, with Advice of all his Eſtates of Parliament; and which rather confirms, as he ſays, the old Law, than introduces a new one. So far did *Buchanan*'s Rage againſt Queen *Mary* prevail with him, to praiſe and rail at the ſame individual Law; and it is obſervable, that it is very dangerous to recede once from Fundamental Laws, for *Buchanan* makes not only the Succeſſion Elective, but he makes no difference betwixt lawful Children and Baſtards, and excludes not only Minors during the Uncle's Life, but Women for ever.

I ſhall add nothing to theſe undoubted Authorities, but leave the impartial Reader to make his own Judgment.

FINIS.